

PATENT
Attorney Docket No. 101.0112-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 06 2006

In re Application of:
Gary K. Michelson, M.D.
Serial No.: 10/809,242
Filed: March 25, 2004
For: INSTRUMENTATION FOR USE WITH
DYNAMIC SINGLE-LOCK ANTERIOR
CERVICAL PLATE SYSTEM HAVING
NON-DETACHABLY FASTENED AND
MOVEABLE SEGMENTS

)
) Confirmation No.: 6717
)
) Group Art Unit: 3733
) Examiner: Pedro Philogene
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action of November 27, 2006, the following remarks are submitted:

In the Office Action, the Examiner rejected claims 1-63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-81 of Applicant's U.S. Patent No. 7,118,573. Applicant is submitting concurrently with this Reply a Terminal Disclaimer disclaiming the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent No. 7,118,573. Applicant submits that the Examiner's rejection of claims 1-63 under the judicially created doctrine of obviousness-type double patenting has been overcome.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees

required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: December 6, 2006

By: _____


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